

AGENDA ITEM

MOC IIIA

Proposed Standards for Certification and Recertification in Franchise and Distribution Law – Request for Additional Public Comment

DATE: August 1, 2006

TO: Members of the Board Committee on Member Oversight

FROM: J. Scott Bovitz, Chair, Board of Legal Specialization
Phyllis J. Culp, Director, Office of Certification & Membership Records

SUBJECT: Standards for Certification and Recertification in Franchise and Distribution Law– Request for Additional Public Comment

ATTACHMENT: Attachment 1: Proposed Standards for Certification and Recertification in Franchise and Distribution Law

EXECUTIVE SUMMARY

The Board of Legal Specialization (BLS) requests that the Board Committee on Member Oversight (MOC) authorize publication of proposed revised Standards for Certification and Recertification in Franchise and Distribution Law (Standards), as set forth in the attachment to this memorandum, for a shortened 30-day public comment period.

At its March meeting, MOC authorized publication of standards for a proposed specialty in Franchise and Distribution Law for a 90-day comment period. Those standards inadvertently omitted sections 3.0, 4.0 and 5.0, which set forth the education standards for certification and the task and experience and education standards for recertification, respectively. The standards are based on the education and task and experience requirements set forth in sections 6.1, 12.2.1 and 12.3.1 of the program Rules. A shortened 30-day comment period has been proposed because the substantive section concerning the task and experience requirement for certification has already been published for public comment. Board members with questions on this item may contact Phyllis Culp at (415) 538-2118 or phyllis.culp@calbar.ca.gov.

BACKGROUND

At its March meeting, MOC authorized the publication of the definition of and proposed task and experience requirements for a proposed specialty in franchise and distribution law. The proposed standards inadvertently omitted the last three sections, which set forth the education standards for certification and the task and experience and education standards for recertification. Staff is recommending that the standards be republished for a shortened 30-day public comment period so that interested parties may review those three sections.

The omitted sections contain standard language based on the education and task and experience requirements set forth in sections 6.1 (education requirement for certification), 12.2.1 (task and

experience requirement for recertification) and 12.3.1 (education requirement for recertification) of the program Rules.

DISCUSSION

The proposed revision to the Franchise and Distribution Law Specialty Tasks and Standards would insert the following sections into the tasks and standards:

Section 3: Education Requirement for Certification

An applicant shall demonstrate that, within the three years immediately preceding application, the applicant completed at least 45 hours of education activities specifically approved for franchise and distribution law.

Section 4: Task Requirement for Recertification

An applicant for recertification must show that, during the current five-year certification period, he or she has had direct and substantial participation in the practice of franchise and distribution law. Such showing will be made by compliance with the requirements set forth in section 2.0 or, at the discretion of the Commission, by sworn statement that the applicant has engaged in the practice of franchise and distribution law substantially to the same extent as described in the application for original certification.

Section 5: Educational Requirement for Recertification

An applicant for recertification must show that, during the current five-year certification period, he or she has completed at least 60 hours of education activities specifically approved for franchise and distribution law.

FISCAL AND PERSONNEL IMPACT

There is no fiscal and personnel impact on the general fund.

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

None.

PROPOSED BOARD COMMITTEE ACTION

Should the Board Committee determine to adopt the recommendation of the BLS, it would be appropriate to adopt the following resolution:

RESOLVED, that the Board Committee on Member Oversight directs the publication of proposed revisions to the Standards for Certification and Recertification in Franchise and Distribution Law, in the form attached to these minutes and made a part hereof, for a 30-day comment period; and it is

FURTHER RESOLVED that publication of the foregoing is not, and shall not be construed as, a recommendation by the Board Committee.